



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

ERIC A. VANDERWERFF DC

Respondent Name

MARKEL INSURANCE CO

MFDR Tracking Number

M4-17-2843-01

Carrier's Austin Representative

Box Number 17

MFDR Date Received

May 25, 2017

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "Millennium Chiropractic is requesting that MFDR order payment per Rule 133.250 for above dates of service, which the carrier has wrongfully denied..."

Amount in Dispute: \$1,449.36

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Medical Fee Dispute Resolution received Requestor's DWC-60 on 5/25/17 as evidenced by the date stamp on the DWC-60. The dates of service in dispute are 7/2/15 through 7/13/15, and the attached EOBs do not reflect any extent, liability or medical necessity issues. Therefore, Respondent requests Medical Fee Dispute Resolution enter a Findings and Decision stating Requestor waived their right to dispute resolution as the request was not filed within one year of the date of service."

Response Submitted by: Downs Stanford, P.C.

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
July 2, 2015 through July 22, 2015	98941, G0283-GP, 97110-GP and 97140-59-GP	\$1,449.36	\$0.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.

Issues

1. What are the denial reasons indicated on the EOBs presented by the requestor with the DWC060?
2. Did the requestor waive the right to medical fee dispute resolution?

Findings

1. The requestor seeks reimbursement for CPT Codes 98941, G0283-GP, 97110-GP and 97140-59-GP rendered on July 2, 2015 through July 22, 2015. The EOBs denied the disputed services with denial reduction codes:
 - 39 – Services denied at the time authorization/pre-certification was requested. \$0.00
 - 852-106 – Denied: Per carrier pre-authorization not requested \$0.00

Review of the submitted documentation finds that the requestor did not submit documentation to support that the disputed services involve issues identified in §133.307(c) (1) (B). As a result, the Division finds that the requestor submitted the dispute later than the one year after the date(s) of service in dispute.

2. 28 Texas Administrative Code §133.307(c) (1) states:

Timeliness. A requestor shall timely file the request with the division's MFDR Section or waive the right to MFDR. The division shall deem a request to be filed on the date the MFDR Section receives the request. A decision by the MFDR Section that a request was not timely filed is not a dismissal and may be appealed pursuant to subsection (g) of this section.

(A) A request for MFDR that does not involve issues identified in subparagraph (B) of this paragraph shall be filed no later than one year after the date(s) of service in dispute.

The date of the services in dispute are July 2, 2015 through July 22, 2015. The request for medical fee dispute resolution was received in the Medical Fee Dispute Resolution (MFDR) Section on May 25, 2017. This date is later than one year after the date(s) of service in dispute. Review of the submitted documentation finds that the disputed services do not involve issues identified in §133.307(c) (1) (B). The Division concludes that the requestor has failed to timely file this dispute with the Division's MFDR Section; consequently, the requestor has waived the right to medical fee dispute resolution.

Conclusion

The Division would like to emphasize that individual medical fee dispute outcomes rely upon the evidence presented by the requestor and respondent during dispute resolution. This finding is based upon a review of all the evidence presented by the parties in this dispute. Even though not all the evidence was discussed, it was considered. The Division finds that this dispute is not eligible for medical fee dispute resolution under 28 Texas Administrative Code §133.307. For the reasons stated above, the Division finds that the requestor has not established that reimbursement is due. As a result, the amount ordered is \$0.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

Authorized Signature

_____	_____	June 29, 2017
Signature	Medical Fee Dispute Resolution Officer	Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, *37 Texas Register 3833*, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the Medical Fee Dispute Resolution Findings and Decision** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.